

### **REMARKS**

A Petition for Extension of Time is being concurrently filed with this Amendment. Thus, this Amendment is being timely filed.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

#### ***Status of the Claims***

Claims 2-7 are currently pending in the present application. The Office Action is non-final. Claims 2-5 and 7 have been amended without prejudice or disclaimer of the subject matter contained therein. No new matter has been added by way of the amendments. For instance, claims 2-4 have been amended to further define the invention. Also, claims 5 and 7 have been amended to correct "claims" to "claim" as suggested by the Examiner. Thus, no new matter has been added.

Based upon the above considerations, entry of the present Amendment is respectfully requested.

#### ***Issues Regarding Priority Statement***

Applicants desires to obtain benefit of foreign priority under 35 U.S.C. § 119(a)-(d). Enclosed herewith is a certified English translation of the Japanese Patent Application No. 2003-338081 priority application filed on September 29, 2003. The same provides full 35 U.S.C. § 112 support for the invention as instantly claimed. Additionally, the specification has been amended to include this priority information.

Applicants respectfully requests reconsideration and subsequent admission of the above English translation.

***Issue Under 35 U.S.C §102(a), Anticipation***

Claims 2, 3 and 5-7 stand rejected under 35 USC §102(a) as anticipated by JP-2004-146368. Applicants respectfully traverse.

JP-2004-146368 is available under 35 USC §102(a) as of its publication date of **May 20, 2004**. In order to antedate JP-2004-146368, Applicants are herein providing a verified English translation of the instant Japanese priority document, Japanese Patent Application No. 2003-338081, which has a filing date of **September 29, 2003** and which supports the entire invention, as presently claimed. In light of the above, the submission of the verified English translation of the priority document renders this rejection moot.

Applicants respectfully request reconsideration and subsequent withdrawal of the present rejection.

***Claim Objection***

Claim 4 is objected to due to being dependent upon a rejected claim. Applicants note with appreciation that the Examiner has indicated that claim 4 is free from the art.

**CONCLUSION**

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.


In view of the above remarks, it is believed that the pending application is in condition for allowance.

Should there be any outstanding matters within the present application that need to be resolved, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted

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Attachments: Verified English translation of the instant priority document, Japanese Patent Application No. 2003-338081